

## **MINUTES OF REGULAR MEETING HELD SEPTEMBER 10, 2013**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, September 10, 2013 at 8:10 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 20, 2012. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Skibitsky, Council Members Arena, Neylan, Haas, Foerst, Della Fera, Kimmins, LoGrippo, Loughlin

**ABSENT:**

Invocation was given by Councilman LoGrippo

### **PRESENTATIONS**

Last month, I received a very moving e-mail from the mother of a four-year-old boy, Will. It is e-mail such as this one that compels you to remember what is really important in life.

At age 3, Will was diagnosed with a rare form of adrenal cancer. He has endured 8 rounds of intensive chemotherapy and battled through various illnesses during treatment. Will is now 4 years old and the best news is that his last MRI showed that he is clear for now, but his mother knows that he faces a life long journey.

Knowing firsthand the pain and suffering and challenges that patients and families face when confronted with such a serious diagnosis, Will’s mother has embarked on a journey of her own to bring awareness to others and to advocate for more funding for research in the hopes that other children will not have to endure what Will had to endure, and will continue to endure, at the hands of what she has rightfully termed “a monster”.

Before I present a Proclamation to Will’s mother, I would like to bring to everyone’s attention the work of the Valerie Fund.

The Valerie Fund is a non-profit organization established in 1976 by Ed and Sue Goldstein in memory of their 9-year-old daughter, Valerie Goldstein.

The Valerie Fund Children's Centers comprise the largest network of healthcare facilities for children with cancer and blood disorders in New Jersey, and one of the largest in the nation, hosting over 25,000 patient visits per year.

There are seven Valerie Fund Children's Centers located in hospitals in New Jersey, NY and Philadelphia that provide caring, comprehensive, state-of-the-art outpatient healthcare to more than 4,000 children and their families each year. This network is remarkable not only for the quality of the care it provides, but also because sick children are now able to receive treatment close to their homes. Before the Valerie Fund was established, many children had to travel long distances for treatment because what they needed was only available at major health facilities in large cities, adding to the children's discomfort and the challenges the families faced.

You can learn more about the Valerie Fund, and make a donation if you are able, by going to its website, [www.thevaleriefund.org](http://www.thevaleriefund.org)

And now, let me introduce Will's mother, Kara Shields.

Town of Westfield  
Westfield, New Jersey

*PROCLAMATION*

*Childhood Cancer Awareness Month*  
*September 2013*

**WHEREAS**, every year an estimated 263,000 new cases of cancer affect children under the age of 20 worldwide; and

**WHEREAS**, in the United States, 36 children per day, at an average age of six years old, will be diagnosed with cancer and, tragically, one out of five children will not survive the disease; and

**WHEREAS**, of those who do survive, two-thirds will develop long lasting chronic conditions resulting from the treatment; and

**WHEREAS**, unlike many adult cancers, the causes of most childhood cancers are unknown and are not strongly linked to lifestyle or environmental risk factors; and

**WHEREAS**, childhood cancer occurs regularly, randomly and spares no ethnic group, socioeconomic class, or geographic region; and

**WHEREAS**, childhood cancer is not just one disease ~ it is made up of a dozen types and countless subtypes; and

**WHEREAS**, despite advances in treatment, it remains critically important to conduct extensive research and increase awareness until no child has to suffer with this dreadful disease and every child has the opportunity to grow up in a cancer-free world; and

**WHEREAS**, childhood cancer strikes not only the child, but the entire family; and

**WHEREAS**, the Town of Westfield wishes to bring awareness to this critical issue, encourage advanced research, extend our thoughts and prayers to the precious children who have been stricken with cancer, show support and offer comfort to the children's families, and thank all those who are committed to advancing the journey toward a cancer-free world;

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Mayor Andrew Skibitsky, hereby proclaim the month of September, 2013 as ***Childhood Cancer Awareness Month*** in the Town of Westfield.



Andrew K. Skibitsky

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

The Council proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2012 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 16."

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

### **PENDING BUSINESS**

An ordinance entitled, "GENERAL ORDINANCE NO. 2012 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 16." introduced by Councilman Foerst, seconded by Councilman Haas, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena  
 Neylan  
 Haas  
 Foerst  
 Della Fera  
 Kimmins  
 LoGripo  
 Loughlin  
 Mayor Skibitsky

Nays:

Absent:

### **BIDS**

TOWN OF WESTFIELD  
 INVITATION TO BID  
 TUESDAY, AUGUST 27, 2013

**JEFFERSON SCHOOL FIELD RENOVATION**

<u>Bidder</u>	<u>Amount of Bid</u>
Bob Viersma & Sons, Inc.	\$149,900.00
P.O. Box 224	Alt. 41,000
Allamuchy, NJ 07820	
JC Landscape Construction & Management Co., Inc.	\$162,000.00
8 Industrial Road	Alt. 40,000
Pequannock, NJ 07440	

TOWN OF WESTFIELD  
 INVITATION TO BID  
 TUESDAY, AUGUST 27, 2013

**ITEM 1 – HIGH REACH FRONT END WHEEL LOADER,  
 3.5 CY CAPACITY, OR EQUAL**

<u>Bidder</u>	<u>Amount of Bid</u>
Foley, Incorporated	\$183,694.00
855 Centennial Avenue	
P.O. Box 1555	
Piscataway, NJ 08855-1555	
Jesco	\$184,126.00
118 St Nicholas Avenue	

S. Plainfield, NJ 07080	
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**MINUTES**

On a motion by Councilman Loughlin, seconded by Councilman LoGrippe, Council approved the Minutes of the Town Council Meeting held August 6, 2013 with Councilman Foerst abstaining.

On a motion by Councilman LoGrippe, seconded by Councilwoman Kimmins, Council approved the Minutes of the Conference Session held August 6, 2013 with Councilman Foerst abstaining.

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS**

Maria Carluccio of 1463 Central Avenue spoke in opposition to the pedestrian mid-block crosswalk on Central Avenue.

Adina Enclusco of 1310 Central Avenue spoke in opposition to the pedestrian mid-block crosswalk on Central Avenue.

**BILLS AND CLAIMS**

Introduced by Councilman Della Fera, seconded by Councilman LoGrippe and adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$1,320,668.29 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

**REPORTS OF STANDING COMMITTEES:****Finance Policy Committee**

The following resolutions, introduced by Councilman Della Fera, Chairman of the Finance Policy Committee, seconded by Councilman LoGrippe were unanimously adopted.

(229) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw warrant for unused parking permit fee as follows:

Carol M. Moser                      South Side RR Stn/Lot 3      #13030694      \$325.00  
817 Grand Central Avenue  
Hamilton, NJ 08619

(230) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$32.40 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of August 2013.

(231) WHEREAS, Kevin McGovern placed the required cash bond of \$500.00 to cover the Street Opening Permit #12-088 for 128 Summit Ct, and

WHEREAS, Kevin McGovern has requested that this amount be returned to them, and

WHEREAS, the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Kevin McGovern for \$500.00 and forward to 128 Summit Court, Westfield NJ 07090.

(232) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following persons, this amount being overpaid in 2012-2013:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
1102/22 MAHONEY, Patrick & Leslie C/O Anne Cascone, Esq. 412 Linden Avenue Westfield, New Jersey 07090	525 Lawrence Avenue	2013	\$4,166.96
2203/25 KESSLER, Rita J.	208 Jefferson Avenue	2013	\$800.84
2404/33 WARSHAW, Thelma G.	519 East Broad	2013	\$730.42
2901/17 STERN, Jason &	6 Osborn Avenue	2012	\$2,483.20

HIRSCH, Laura

5117/19	62 Mohawk Trail	2012	\$4,002.72
ELFSTRUM, Erik & Tammie			

5104/2	491 Otisco Drive	2013	\$1,495.93
ROSENHOUSE, Stanley & Ellen			
66 Kings Mill Road			
Monroe, NJ 08831			

(233) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2010, 2011 and 2012 pursuant to the Tax Court of New Jersey:

BLOCK/LOT

NAME	ADDRESS	YEAR	AMOUNT
4801/25	1000 Central Avenue	2010	\$40,999.39
EAST COAST DUNCAN HILL, LLC		2011	\$41,675.16
160 Clubhouse Road		2012	\$56,812.78
King of Prussia, PA 19406			

(234) WHEREAS, a need exists for the **Renovation of the Jefferson School Field** in the Town of Westfield, and

WHEREAS, bids were first advertised and received on August 6, 2013, and the bids were subsequently rejected for exceeding the budget, and

WHEREAS, bids were next advertised and received on August 27, 2013, and also exceeded the budget, and

WHEREAS, it is in the best interest of the Town to reject these bids, and

WHEREAS, the New Jersey Public Contracts law permits contracts to be negotiated at fair and reasonable prices for the respective services when bidding on two occasions has been unsuccessful.

NOW THEREFORE BE IT RESOLVED, that the Recreation Director is hereby authorized to negotiate for prices for the Renovation of the Jefferson School Field.

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilwoman Neylan, Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilman Loughlin were unanimously adopted.

(235) WHEREAS, a need exists in the Police Department for the purchase uniforms for the Police Department, and

WHEREAS, on July 18, 2013 bids for the aforesaid purchase were advertised to be returnable on August 6, 2013; and

WHEREAS, bids were received for aforesaid purchase on August 6, 2013; and

WHEREAS, the bid submitted by Universal Uniform Sales Co., Inc., has been analyzed and found to be responsive,

WHEREAS, Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with NJAC 5:30-1.10, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to 2013 Police Operating Accounts 130-246, 130-223 and 130-226,

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield award a contract in the amount of \$28,000 to Universal Uniforms Sales Co., Inc., 1015 Broad Street, Newark, NJ 07101 for aforesaid uniforms.

BE IT FURTHER RESOLVED that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

(236) BE IT RESOLVED that Daniel J. Kelly is hereby appointed as Emergency Management Coordinator for the Town of Westfield for a term expiring January 1, 2015;

BE IT FURTHER RESOLVED that David Wayman and David Kelly are appointed as Deputy Emergency Management Coordinators for a term expiring January 1, 2015.

(237) WHEREAS, a need exists in the Police Department for the replacement of the Department's Voice Recording system as provided in the 2013 Capital Budget, Special Ordinance SO 2185, and;

WHEREAS, the contract the purchase the NICE NRX Recorder System is to be awarded to Microstrategies, Inc. 85 Bloomfield Avenue, Denville, NJ 07834 pursuant to State contract #A83921, and

WHEREAS, this NICE NRX Recorder System will be sufficient to meet the needs of the Police Department,



WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under state contract, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$20,110.00, charged to Special Ordinance 2185, prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the NICE NRX Recorder System as listed below

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

NICE NRX Recorder System

Microstrategies, Inc.  
85 Bloomfield Avenue  
Denville, NJ 07834

Total \$20,110.00

#### Code Review & Town Property Committee

The following resolutions, introduced by Councilman Foerst, Chairman of the Code Review & Town Property Committee, seconded by Councilman Haas were unanimously adopted with resolution #6 and #8 on the agenda deferred to next meeting.

(238) RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Dionisios Vasiliadis t/a Danny's Soft Serve	1081 E Grand Street Elizabeth, NJ 07201
Jose Cachada t/a Joe's Catering	258 Perry Avenue Union, NJ 07083
George Van Brunt t/a Penguin Jersey LLC	560 Trumbull Street Elizabeth, NJ 07206

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

(239) WHEREAS, the Town Council of the Town of Westfield is aware that Friday, September 20, 2013 has been declared as "POW/MIA Remembrance Day"; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and have a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans; and

WHEREAS, in honor of this special day, a ceremony will be held in front of the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey on September 20, 2013 at 11:15 a.m.;

NOW, THEREFORE, BE IT RESOLVED by the Westfield Town Council that it hereby declares, Friday, September 20, 2013 as

***"POW/MIA REMEMBRANCE DAY"***

in the Town of Westfield and urges all citizens of the Town to make a special effort to give thanks and to remember the sacrifices rendered to us by all those noble sons and daughters of America; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to all Union County Veterans Posts, Union County Legislators and Union County Mayors.

(240) WHEREAS, Colby and Paige Weissman Gaines, made an application to the Town of Westfield to demolish a single-family dwelling, located at 200 Woodland Avenue, Block 2003, Lot 57, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 200 Woodland Avenue, Block 2003, Lot 57, Westfield, New Jersey.

(241) WHEREAS, Christopher Rossetti, made an application to the Town of Westfield to demolish a single-family dwelling, located at 9 Lambert Circle, Block 5302, Lot 6, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 9 Lambert Circle, Block 5302, Lot 6, Westfield, New Jersey.

(242) WHEREAS, 828 Coolidge Street, LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 828 Coolidge Street, Block 3403, Lot 1, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 828 Coolidge Street, Block 3403, Lot 1, Westfield, New Jersey.

(243) WHEREAS, Randolph and Amy Wojcik, made an application to the Town of Westfield to demolish a single-family dwelling (existing foundation to remain), located at 1120 Wychwood Road, Block 1402, Lot 2, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling (existing foundation to remain) at 1120 Wychwood Road, Block 1402, Lot 2, Westfield, New Jersey.

(244) WHEREAS, Elshiekh Enterprises LLC, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 857 Dorian Road, Block 2809, Lot 22, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 857 Dorian Road, Block 2809, Lot 22, Westfield, New Jersey.

(245) WHEREAS, the Town of Westfield owns vehicles that are no longer usable based on their condition, and it is in the best interest of the Town to advertise these vehicles for auction, and

WHEREAS, the equipment is currently stored and available for inspection at the Public Works Center located at 959 North Avenue West.

NOW, THEREFORE, BE IT RESOLVED that the following vehicles and equipment will be auctioned to the public at a date and time to be determined:

YEAR	VEHICLE DESCRIPTION	MILEAGE
1992	Toyota Camry – White	215,000
1994	Oldsmobile Cutlass – Maroon	88,000
1996	Ford Crown Victoria - White	84,125
1997	Honda Accord - Black	88,791
1999	Ford Taurus - Silver	59,685
2000	Dodge Intrepid – Maroon	66,521
2004	Ford Crown Victoria – Black/White	89,573
2006	Ford Crown Victoria – Black/White	104,068
1980	Roscoe Pavement roller	

(246) TAKE NOTICE that the Town Council of the Town of Westfield will meet in Conference Session on November 26, 2013 in the Administrative Conference Room in the Municipal Building, 425 East Broad Street, Westfield, New Jersey, at 7:30 p.m., at which meeting the public may attend and make comments, and address Council to discuss and consider matters of public business, upon which no formal action will then be taken but which may subsequently be acted upon in a regular Council Meeting to be held upon adjournment of the Conference Session on November 26, 2013 in the .Council Chambers of the Municipal Building, 425 East Broad Street, Westfield, New Jersey, at 8:00 p.m. at

which meeting the public may attend and make comments, and address Council to discuss and consider matters of public business

TAKE FURTHER NOTICE that the Town Council Conference Session and Regular Meeting originally scheduled for November 19, 2013 are canceled and both are rescheduled for November 26, 2013 as stated above.

#### Public Works Committee

The following resolution, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman LoGrippe was unanimously adopted.

(247) WHEREAS, the Town performed an environmental remediation of Municipal Parking Lot #8, now designated as Lot #1, and,

WHEREAS, as part of this remediation, monitoring wells were installed at the site to sample and evaluate groundwater in the vicinity of the clean-up, and

WHEREAS, Brinkerhoff Environmental Services, Inc., a Licensed Site Remediation Professional (LSRP) as identified by the New Jersey Department of Environmental Protection, was contracted to conduct additional groundwater sampling to evaluate contaminant levels in order to comply with New Jersey Department of Environmental Protection regulations, and

WHEREAS, based on these initial results it is the opinion of Brinkerhoff to perform further sampling and soil analysis, in order to comply with the requirements of the New Jersey Department of Environmental Protection, and

WHEREAS, a proposal was received from Brinkerhoff Environmental Services, Inc., to perform soil borings with representative soil analysis to evaluate potential historic impacts to the site, and

WHEREAS, the Town Engineer has reviewed the Proposal and recommends that a professional services contract for the aforementioned services as outlined in the Proposal dated February 15, 2013, be awarded to Brinkerhoff Environmental Services, Inc., 133 Jackson Road, Suite D, Medford, NJ 08055, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2189.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional engineering services be awarded to Brinkerhoff Environmental Services, Inc., 133 Jackson Road, Suite D, Medford, NJ 08055, in an amount not to exceed \$12,925.00.

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$22,447,152.79 and Investments of \$373,877.89 was received, read and ordered filed.

Reports of Susan Noon, Collector of Taxes, showing sewer taxes total collections of \$30,080.10 during the period July 1, 2013 to July 31, 2013 and total collections of \$27,521,875.50 and sewer taxes of \$14,586.30 during the period August 1, 2013 to August 31, 2013 were received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$100,701.00 for the month of August 2013 was received, read and ordered filed.

Reports of David Wayman, Chief of the Police Department, stating he had turned over to the Chief Financial Officer a check in the amount of \$1,774.90 representing Police Fees collected during the month of July 2013 was received, read and ordered filed.

Reports of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$662.50 during the month of July 2013 and \$1,186.00 during the month of August 2013 were received, read, and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$73,531.67 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of July 2013 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$12,932.00 representing monies collected during the month of August 2013.

Report of Daniel J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in August in the amount of \$2,200.00 and Permit Fees collected in July in the amount of \$596.00 was received, read and ordered filed.

Upon motion by Councilman Haas, seconded by Councilwoman Neylan the meeting was adjourned at 8:45 p.m.

Claire J. Gray  
Town Clerk